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4 **\*E-FILED - 12/9/08\***  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 REUBEN JOSEPH REYES, ) No. C 08-4561 RMW (PR)  
11 Plaintiff, )  
12 vs. ) ORDER GRANTING LEAVE TO  
13 ) PROCEED IN FORMA PAUPERIS;  
14 ) DENYING APPOINTMENT OF  
15 ) COUNSEL  
ROBERT A. HOREL, et al., )  
Defendants. ) (Docket Nos. 2 & 3)  
\_\_\_\_\_ )

16 Plaintiff is GRANTED leave to proceed in forma pauperis. The total filing fee that  
17 ultimately will be due is \$ 350.00. The initial partial filing fee due at this time is \$ 13.56. This  
18 initial fee shall be paid **within thirty (30) days** of the date this order is filed. Funds for the filing  
19 fee will be taken from income to plaintiff's account in accordance with 28 U.S.C. § 1915(B)(1).  
20 A copy of this Order and the attached instructions will be sent to plaintiff, the prison trust  
21 account office, and the court's financial office. The request for appointment of counsel is  
22 DENIED for want of exceptional circumstances.

23 IT IS SO ORDERED.  
24 DATED: 12/5/08

*Ronald M. Whyte*

25 RONALD M. WHYTE  
26 United States District Judge  
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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

## INSTRUCTIONS FOR PAYMENT OF PRISONER'S FILING FEE

The prisoner shown as the plaintiff or petitioner on the attached order has filed a civil action in forma pauperis in this court and owes to the court a filing fee. Pursuant to 28 U.S.C. § 1915, the fee is to be paid as follows:

The initial partial filing fee listed on the attached order should be deducted by the prison trust account office from the prisoner's trust account and forwarded to the clerk of the court as the first installment payment on the filing fee. This amount is twenty percent of the greater of (a) the average monthly deposits to the prisoner's account for the 6-month period immediately preceding the filing of the complaint/petition or (b) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint/petition.

Thereafter, on a monthly basis, 20 percent of the preceding month's income credited to the prisoner's trust account should be deducted and forwarded to the court each time the amount in the account exceeds ten dollars (\$10.00). The prison trust account office should continue to do this until the filing fee has been paid in full.

If the prisoner does not have sufficient funds in his/her account to pay the initial partial filing fee, the prison trust account office should forward the available funds, and carry the balance forward each month until the amount is fully paid.

If the prisoner has filed more than one complaint, (s)he is required to pay a filing fee for each case. The trust account office should make the monthly calculations and payments for each case in which it receives an order granting in forma pauperis and these instructions.

**The prisoner's name and case number must be noted on each remittance.** The initial partial filing fee is due **within thirty days** of the date of the attached order. Checks should be made payable to Clerk, U.S. District Court and sent to Prisoner Accounts Receivable, U.S. District Court, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

cc: Plaintiff/Petitioner  
Finance Office